

## DECLARATION

Joint Inventors  
Original

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR MANAGING DATA FLOW AND MEASURING SERVICE IN A STORAGE NETWORK

as described in the specification ☒ attached or ☐ of patent Application Serial No. ....  
filed Herewith and amended on .....

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

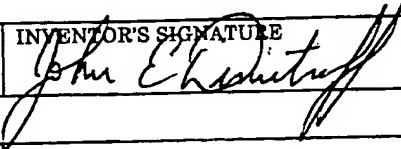

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) asserting an argument of unpatentability.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificates listed below and have also identified below any foreign application(s) having a filing date before that of the applications(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	Date Filed	Priority Claimed under 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code § 120 of any United States application(s) listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States Application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	INVENTOR'S SIGNATURE	DATE
John Dimitroff		6-6-2000
RESIDENCE		CITIZENSHIP
7916 Grow Lane, Houston, Texas 77040		USA
POST OFFICE ADDRESS		
Same		
FULL NAME OF SECOND JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
Minh Chau Alvin Nguyen		6-6-2000
RESIDENCE		CITIZENSHIP
11300 Regency Green Drive, Apt. 1002, Cypress, Texas 77429		USA
POST OFFICE ADDRESS		
Same		

RECEIVED

AUG 21 2000

HOGAN & HARTSON, LLP

AUGUST 14, 2000

HOGAN & HARTSON, LLP  
WILLIAM J. KUBIDA  
1200 17TH STREET, SUITE 1500  
ONE TABOR CENTER  
DENVER, CO 80202



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UNITED STATES PATENT AND TRADEMARK OFFICE  
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/08/2000

REEL/FRAME: 010865/0466

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DIMITROFF, JOHN

DOC DATE: 06/06/2000

ASSIGNOR:

NGUYEN, MINH CHAU ALVIN

DOC DATE: 06/06/2000

ASSIGNEE:

COMPAQ COMPUTER CORPORATION  
20555 SH 249  
HOUSTON, TEXAS 77070

SERIAL NUMBER: 09589778

FILING DATE: 06/08/2000

PATENT NUMBER:

ISSUE DATE:

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595

RI

06-23-2000

(Rev. 6-93)

OMB No. 0651-0011 (exp.4/94)



101388638

U.S. Department of Commerce  
Patent and Trademark Office

To the Honorable Commissioner of Patents

d original documents or copy thereof.

1. Name of conveying party(ies) 09/589778  
 John Dimitroff and Minh Chau Alvin Nguyen  
 Additional name(s) of conveying party(ies) attached?  
☐ Yes ☒ No

2. Name and address of receiving party(ies)  
 Name: Compaq Computer Corporation  
 Internal address: M/S 110701  
 Street address: 20555 SH 249  
 Houston, Texas 77070  
 Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:  
☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: -June 6, 2000

4. Application number(s) or patent number(s):  
 If this document is being filed together with a new application, the execution date of the application is: June 6, 2000

A. Patent Application No.(s)  
 Attorney Docket No.: P98-2067

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and Address of party to whom correspondence  
 concerning document should be mailed:

Name: William J. Kubida  
 Address: Hogan & Hartson LLP  
One Tabor Center  
1200 17th Street, Suite 1500

City: Denver State: CO Zip: 80202

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) .....\$ 40.00  
☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

50-1123

(Attach duplicate copy of this page if paying by deposit account)

6/23/2000 ASCOTT 00000048 09589778

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Steven Kent Barton, Reg. No. 36,445  
 Name of Person signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 4

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patents & Trademarks, Box Assignments  
 Washington, D.C. 20231

ASSIGNMENT

WHEREAS, We, John Dimitroff and Minh Chau Alvin Nguyen, are joint inventors of "SYSTEM AND METHOD FOR MANAGING DATA FLOW AND MEASURING SERVICE IN A STORAGE NETWORK", application for United States Letters Patent which is executed of even date herewith; and

WHEREAS, COMPAQ COMPUTER CORPORATION, a corporation created and existing under and by virtue of the laws of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to the aforesaid invention throughout the world, and all right, title and interest in, to and under any and all Letters Patent of the United States and all other countries throughout the world;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over to COMPAQ COMPUTER CORPORATION, all right, title and interest in and to the said invention throughout the world, and said application for U.S. Letters Patent, and any and all divisions, continuations, and reissues thereof, and any and all Letters Patent of the United States and foreign countries which may be granted therefor, the same to be held and enjoyed by COMPAQ COMPUTER CORPORATION for its own use and benefit, and for the use and benefit of its successors, assigns, or other legal representatives, to the end of the term or terms for which said Letters Patent of the United States or foreign countries are or may be granted or reissued, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States on said invention or resulting from said application and from any and all divisions, continuations, and reissues thereof, to COMPAQ COMPUTER CORPORATION, as assignee of our entire interest, and hereby covenant that we have the full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

And we further hereby covenant and agree that we will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title of said invention and to such Letters Patent as may be granted therefor, to COMPAQ COMPUTER CORPORATION, its successors, assigns, or other legal representatives and that if COMPAQ COMPUTER CORPORATION, its successors, assigns or other legal representatives shall desire to file any divisional

or continuation applications or to secure a reissue of such Letters Patent, or to file a disclaimer relating thereto, will upon request, sign all papers, make all rightful oaths and do all lawful acts requisite for the filing of such divisional or continuation application, or such application for reissue and the procuring thereof, and for the filing of such disclaimer, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

And we do further covenant and agree that we will, at any time upon request, communicate to COMPAQ COMPUTER CORPORATION, its successors, assigns or other legal representatives, such facts relating to said invention and Letters Patent or the file history thereof as may be known to us, and testify as to the same in any interference or other litigation when requested so to do, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

EXECUTED THIS 6 day of June 2000

John E. Dimitroff  
John Dimitroff

STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared John Dimitroff, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office, this 6th day of June 2000

Stacey L. Alston  
Notary Public in and for the State of TEXAS



EXECUTED THIS 6 day of June 2000.

Minh Chau Alvin Nguyen  
Minh Chau Alvin Nguyen

STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Minh Chau Alvin Nguyen, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 6th day of June, 2000

Stacey L. Alston  
Notary Public in and for the State of TEXAS

